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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,439	07/26/2001	Rabindranath Dutta	AUS920010440US1	7368

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Frank C. Nicholas
CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, IL 60201

EXAMINER

DASS, HARISH T

ART UNIT	PAPER NUMBER
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3693

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/915,439

Applicant(s)

DUTTA, RABINDRANATH

Examiner

Harish T. Dass

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hambrecht et al (hereinafter Hambrecht – US 6,629,082) in view of Ebay.com web pages (hereinafter Ebay).

Re. Claim 1, 4-5, 11, 14-15, and 21-22 Hambrecht discloses a method, system and software, receiving a request for an enhanced certificate from a requestor at a certificate authority server [Figures 1-3B, 5-7C9 L47-L62; C12 L24-L48], receiving a bid from a purchaser with a purchaser enhanced certificate at the aggregate exchange server [C14 L59-L65], determining whether the bid matches the offer [C15 L48-L51], sending the supplier the purchaser enhanced certificate from the aggregate exchange server, and sending the purchaser the supplier enhanced certificate from the exchange server, if the bid matches the offer [C9 L48-L62; C31 L55-L60; C30 L58-L63]; and receiving agreement of the matched supplier and purchaser at the exchange server to execute the transaction [[C9 L48-L62; C31 L55-L60; C30 L58-L63], and wherein issuing the requester an enhanced certificate comprises implementing at least one security feature,

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wherein the security feature is selected from a group consisting of a user password, a public key cryptograph [C26 L39-L50; C24 L10-L15], a digital signature [C9 L48-L67]. Hambrecht does not explicitly disclose determining whether the requester qualifies for the enhanced certificate, issuing the requestor the certificate if the requester qualifies, and receiving an offer from a supplier with a supplier certificate and an XML based security standard. However, Ebay discloses these features [sleeted pages of Ebay total of 9, see item marked with *] to provide seller/buyer assurance the trading party is qualified to do business with. Further, XML is well known used with Internet transaction. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Hambrecht and include determining qualification of buyer/seller, issuing certificate and receiving offer with certificate, to match the trading parties without going through qualification process.

Re. Claims 2 and 12, Hambrecht wherein the certificate authority server comprises the aggregate exchange server [C12 L24-L48; C23 L39-L62 – see network].

Re. Claims 3 and 13, Hambrecht discloses wherein the enhanced certificate comprises financial data and identification data [account information; C9 L48-L52; C13 L43-48]. Hambrecht does not explicitly disclose credit rating data, and financial routing data. However, these are well known. For example, to apply for credit, the lender (financial institution) obtains credit rating before providing credit. Similarly, financial data routing is used for electronic transfer of fund to buyer/seller accounts. It would have been obvious

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at the time the invention was made to a person having ordinary skill in the art to modify the disclosures of Hambrecht and Ebay to evaluate creditworthiness of buyer/seller and provide direct fund transfer to/from seller/buyer account.

Re. Claims 6-7, 16-17 and 23 Hambrecht discloses providing a hyperlink to the aggregated exchange server wherein the hyperlink comprises the certificate request, and wherein the hyperlink is provided on a web site for access by the requestor [C11 L54-L60].

Re. Claims 8-10, 18-20, and 24-25 Ebay further discloses verifying a portion of requestor financial information with an outside server, and wherein verifying the portion of requestor financial information comprises determining eligibility for an enhanced certificate [see selected pages of Ebay and marked *] to obtain eligibility information from third party such as Equifax. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Hambrecht and include the above limitations to verify the eligibility of the traders by third party. Hambrecht or Ebay does not explicitly disclose updating requestor financial information. However, this step is well known. For example, the financial standing of the buyer/seller is changed and are qualified for better trading terms. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosures of

Hambrecht and Ebay and include updating requestor financial information to reflect the timely rating of the requestor.

Response to Arguments

2. Applicant's arguments filed 5/9/2006 have been fully considered but they are not persuasive.

In response to applicant argument that examiner has not provided the entire document images for e-bay. Examiner has produced these images from archives of way-back machine (archive.org) and included only those images that are relevant. Examiner is happy to provide you with all images that are captured by examiner for e-bay.

In response to applicant argument (recited on page 3 of remarks) "Hambrecht and "eBay" fails to teach ... sending the supplier the purchaser enhanced certificate from the aggregate exchange server, and sending the purchaser the supplier enhanced certificate from the exchange server, if the bid matches the offer." See page 2 (lines 5-8 of rejection of claim 1, 4-5..) of the office action.

In response to applicant's argument (recited in page 3 of remarks) "Hambrecht teaches an auction system ... EBay further teaches (on the same page) the desirability of "Get to Know Your Trading Partner"... transaction be anonymous – the opposite of the eBay teaching. It is obvious that the trading partner should know the ability of the trading partner at least he/she can pay/ship, whether the parties know each other or not.

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For example, international buyers generally do not know each other but through the banks, issuing of letter of credit (L/C) and insurance they qualify each other.

In response to applicant's argument the recitation "the claim preamble specifically requires that the transaction be anonymous" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

In response to applicant's argument (recited in page 4) "there is no motivation ..." that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, eBay is means of trading between two parties over the internet where one party, a buyer, buys an item (service) and pays to second party, a seller, sell an item (service) with agreement to ship an item (provide service) to the buyer, eBay provide seller/buyer assurance the trading party is qualified to do business with. This is

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similar to trading between companies or entities using letter of credit issued by the banks, which guarantee the payments and shipping of goods.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

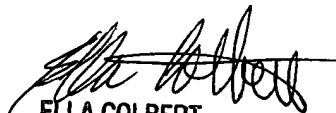
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Harish T Dass
Examiner
Art Unit 3693

7/19/06



ELLA COLBERT
PRIMARY EXAMINER